

# **EXHIBIT D**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

**DECLARATION OF FRANCES BERDAN**

I, Frances Berdan, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship: the picture page of my U.S. Passport, showing my place of birth in New York, N.Y. and my United States nationality.

3. On September 11, 2001, I was working in Tower Two of the World Trade Center when the terrorist attacks on the Towers occurred. I was employed by the Union Bank of California at the time, on the 14<sup>th</sup> floor of Tower Two, where I was the receptionist.

4. I was at work at Union Bank when the first plane hit Tower One. I had no windows near my desk, but my friend Jocelyn told me there was an accident, a plane had hit. I was on the phone to Bombay, and told the person I had to hang up. Employees in Tower Two were told not to worry because our building was unaffected, but I said we have to get out of the

building. I had worked at the World Trade Center during the 1993 terrorist bombings in the basement and knew the plane crash was no accident. I knew the terrorists would come back after 1993 because they botched the first attempt. Some of the people that went back into Tower Two after exiting perished, even on the lower floors.

5. After going to the windows to see what was happening, I ran back to my desk to get my sneakers and purse before leaving. Scared, scrambling, and in a rush, I somehow lost my footing, landed with all my weight on my arm, and broke my arm and shoulder near my desk (I later learned there were eight fractures). My elbow was up where my shoulder should be. I left Tower Two with some co-workers. Just as we exited the building and crossed the street, we looked up and saw the second plane hit Tower Two. It looked at first like it was coming right for us. I remember the plane went into the building like it was butter. It was unreal. It was raining debris from above and a heavy plank came close to hitting me. There was debris all over the ground, including briefcases and phones. We saw pieces of the planes on the ground. I also heard the sounds of people jumping, which was horrific. I covered my face with a scarf to avoid breathing in the ashes and other soot. I remember it all vividly.

6. Attached as Exhibit B is a true and correct copy of a photograph, which I found in a magazine about ten years after 9/11, which shows the view I saw when I looked up, after leaving Tower Two, with all the debris coming down. I had been looking for a photo like it so I could show friends and family what I saw. With all the debris raining down, I prayed to an Italian saint, Padre Pio, to protect me from being smashed. All I could think about was my husband and daughter. Later I went to Italy to see his body on view and thank him for helping me out of that situation.

7. There were ambulances outside but I declined them because they were from Connecticut and New Jersey, and I wanted to get home to my family in Queens, so I made my own way home even with the broken arm and elbow, which was excruciatingly painful. My coworker Jocelyne Ambrose, another coworker, and I walked to the subway—on a line separate from the ones going through World Trade—and got the last train going uptown. We initially headed towards the subway near the Stock Exchange, but I said we should not because the Exchange could be another target. As we were walking to the subway, we saw a man whose clothes were on fire. We did not want him to roll in the ashes on the ground to extinguish himself, so we flagged down an ambulance and got blankets for him. I still remember the awful sight of that man on fire.

8. The subway stopped at Queens Plaza, four stops before my local stop near my house in Queens. The whole subway system shut down. My husband was a firefighter, and there were lots of firefighters at Queens Plaza, so I asked if they could give me a ride home, but they were headed to the World Trade Center site. I ended up getting a cab home. I was becoming delirious with the pain from my broken bones. Close to home I ran into my daughter, who found my husband, who had been waiting for me to call. They took me to Mount Sinai Hospital in Queens.

9. Union Bank's company newsletter, *Community Connections*, included a story about my harrowing experience on 9/11 with Jocelyn, although they took out some details that they felt were too graphic. It was published in a special issue in 2002. A true and correct copy of the first page of the newsletter, and the article about me, is attached as Exhibit C.

10. As a result of the terrorist attacks, I suffered the following specific injuries on September 11, 2001: eight fractures in my left arm and elbow. I sought medical attention for the

injuries that day, after getting home. I had surgery the morning of September 12, 2001 at Mount Sinai Hospital, where ten screws and a plate were put into my arm. The metal is still in my arm. I was in the hospital for nine days, in part because I developed pneumonia. I was out of work for seven months due to the injury and underwent painful physical therapy. The injuries affected by whole family: for example, my daughter had to help me bathe and get dressed. My arm is still affected by the injury, since it limits my ability to lift things, even my ability to open windows.

11. Attached to this Declaration are my medical records related to the arm surgery and physical therapy that I received following the September 11, 2001 terrorist attacks. Attached as Exhibit D is a true and correct copy of my medical records from Mount Sinai Hospital of Queens, showing my September 11, 2001 admission and a September 12, 2001 operation date. Attached as Exhibit E is a true and correct of a November 20, 2001 letter from my surgeon describing my fracture and surgery. Attached as Exhibit F is a true and correct of a an x-ray of my arm after the surgery. Attached as Exhibit G is a true and correct copy of a photograph of my arm, taken on December 30, 2019, showing the scar from the surgery.

12. I was awarded a worker's compensation claim for my injuries. A true and correct copy of two doctor's reports from the State of New York Workers' Compensation Board are attached as Exhibit H. The Senior Vice President at Union Bank of California also wrote a letter on March 15, 2002 confirming my injury. A true and correct copy of the letter is attached as Exhibit I.

13. I suffered, and continue to suffer, emotional distress as a result of the above terrorist attacks. In particular, I sleep with the television on because the background noise keeps me from thinking about the man on fire outside the towers. If the television is turned off I wake up. I also started to grind my teeth from stress, which was serious enough that it tore ligaments

in my jaw. I thought I was a strong Italian woman, but I'm still affected by the trauma of those events. I went to the fifth anniversary events at Ground Zero, and entered the pit, but I have not visited the 9/11 Museum.

10. I did not previously pursue any claim through the September 11<sup>th</sup> Victim Compensation Fund related to my physical injuries incurred on September 11, 2001.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 6<sup>th</sup> day of January 2020.

  
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Signature of Frances Berdan, Declarant

# **Exhibits Filed Under Seal**